



**Legislative Bulletin.....July 6, 2011**

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**H.Res. 268 - Reaffirming the United States' commitment to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, and for other purposes (Cantor, R-VA)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, July 6, 2011, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 268 resolves that the House of Representatives:

- “Reaffirms its strong support for a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic, Jewish state of Israel and a viable, democratic Palestinian state, living side-by-side in peace, security, and mutual recognition;
- “States its firm belief that any Palestinian unity government must publicly and formally forswear terrorism, accept Israel's right to exist, and reaffirm previous agreements made with Israel;
- “Reiterates its strong opposition to any attempt to establish or seek recognition of a Palestinian state outside of an agreement negotiated between Israel and the Palestinians;
- “Urges Palestinian leaders to--
  - “Ensure that any Palestinian government will seek peace with Israel;
  - “Cease all efforts at circumventing the negotiation process, including through a unilateral declaration of statehood or by seeking recognition of a Palestinian state from other nations or the United Nations;
  - “Resume direct negotiations with Israel immediately and without preconditions; and
  - “Take appropriate measures to counter incitement to violence and fulfill all prior Palestinian commitments, including dismantling the terrorist infrastructure embodied in Hamas;
- “Supports the Administration's opposition to a unilateral declaration of a Palestinian state and its use of the veto at the United Nations Security Council on February 18, 2011, the most recent example of a longstanding United States policy of vetoing unbalanced United Nations Security Council resolutions regarding Israel and the Israeli-Palestinian peace process;

- “Calls upon the Administration to announce that it will veto any resolution on Palestinian statehood that comes before the United Nations Security Council which is not a result of agreements reached between Israel and the Palestinians;
- “Calls upon the Administration to lead a diplomatic effort to oppose a unilateral declaration of a Palestinian state and to oppose recognition of a Palestinian state by other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between Israel and the Palestinians;
- “Affirms that Palestinian efforts to circumvent direct negotiations and pursue recognition of statehood prior to agreement with Israel will harm United States-Palestinian relations and will have serious implications for the United States assistance programs for the Palestinians and the Palestinians Authority;
- “Supports the position taken by Secretary of State Hillary Rodham Clinton on April 22, 2009, that the United States `will not deal with or in any way fund a Palestinian government that includes Hamas unless and until Hamas has renounced violence, recognized Israel and agreed to follow the previous obligations of the Palestinian Authority.';
- “Urges the administration to consider suspending assistance to the Palestinian Authority pending a review of the unity agreement; and
- “Reaffirms the United States statutory requirement precluding assistance to a Palestinian Authority that includes Hamas unless that Authority and all its ministers publicly accept Israel's right to exist and all prior agreements and understandings with the United States and Israel.”

The resolution lists a number of findings, including:

- “The policy of the United States since 2002 has been to support a two-state solution to the Palestinian-Israeli conflict;
- “The unity agreement signed by Fatah and Hamas on May 4, 2011, was reached without Hamas being required to renounce violence, accept Israel's right to exist, and accept prior agreements made by the Palestinians (the `Quartet conditions');
- “Hamas, an organization responsible for the death of more than 500 innocent civilians, including 24 United States citizens, has been designated by the United States Government as a Foreign Terrorist Organization and a specially designated terrorist organization;
- “Israel's Prime Minister Benjamin Netanyahu has accepted a two-state solution to the Israeli-Palestinian conflict and has consistently advocated for immediate direct negotiations with the Palestinians, who, in turn, have prevented negotiations by insisting on unprecedented pre-conditions;
- “Current United States law precludes assistance to a Palestinian Authority which shares power with Hamas unless that Authority publicly accepts Israel's right to exist and adheres to all prior agreements and understandings with the United States and Israel; and
- “The United States annually provides more than \$550 million annually and has provided more than \$3.5 billion cumulatively in direct bilateral assistance to the Palestinians, who are among the world's largest recipients of foreign aid per capita.”

**Committee Action:** H.Res. 268 was introduced on May 13, 2011, and was referred to the House Committee on Foreign Affairs, which took no public action.

**Administration Position:** No Statement of Administration Policy (SAP) is provided.

**Cost to Taxpayers:** A report from CBO was unavailable at press time

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** House Rules do not require a statement of constitutional authority on House Resolutions.

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## **H.R. 515 - Belarus Democracy Reauthorization Act of 2011, as amended (Smith, R-NJ)**

**Order of Business:** The legislation is scheduled to be considered on Wednesday, July 6, 2011, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 515 would amend the Belarus Democracy Act of 2004, which authorizes financial assistance to the people of Belarus to aid them in their pursuit of a free democracy with human rights.

The legislation states that it is the policy of the United States to:

- Condemn the conduct of the December 19, 2010, presidential election and crackdown on opposition candidates, political leaders, and activists, civil society representatives, and journalists;
- Continue to call for the immediate release without preconditions of all political prisoners in Belarus, including all those individuals detained in connection with the December 19, 2010, presidential election;
- Continue to support the aspirations of the people of Belarus for democracy, human rights, and the rule of law;
- Continue to support the aspirations of the people of Belarus to preserve the independence and sovereignty of their country;
- Continue to support the growth of democratic movements and institutions in Belarus, with the ultimate goal of ending tyranny in that country;
- Continue to refuse to accept the results of the fundamentally flawed December 19, 2010, presidential election held in Belarus, and to support calls for new presidential and parliamentary elections, conducted in a manner that is free and fair according to OSCE standards;

- Continue to call for the fulfillment by the Belarusian government of Belarus's freely undertaken obligations as an OSCE participating state;
- Continue to call for a full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are in any way responsible for the disappearance of those opposition leaders and journalists;
- Continue to work closely with the European Union and other countries and international organizations, to promote the conditions necessary for the integration of Belarus into the European family of democracies; and
- Remain open to reevaluating United States policy toward Belarus as warranted by demonstrable progress made by the Government of Belarus consistent with the aims of this Act as stated in this section.

The legislation makes technical amendments to the Belarus Act of 2004 regarding terms of assistance, and it also states that it is the sense of Congress that the President should continue to support radio, television, and Internet broadcasting to the people of Belarus in languages spoken in Belarus, by Radio Free Europe/Radio Liberty, the Voice of America, European Radio for Belarus, and Belsat.

This legislation amends current sanctions against the Government of Belarus to reflect individuals who were jailed based on their political beliefs in connection with the presidential election of December 19, 2010. Specifically, it would expand existing conditions by which current sanctions could be lifted, by requiring the release of those peaceful protestors who were jailed after based on their political beliefs in conjunction with the December 19, 2010 elections. It also expands denial of entry into the U.S. to members of the Belarus security or law enforcement services who have participated in the crackdown of peaceful protestors regarding the December 19, 2010 elections.

This legislation would also expand the current reporting requirement and would mandate that information regarding the sale or delivery of weapons or weapons-related technologies, or training be included. This report is required annually, and this legislation would require it to also be sent to the Commission on Security and Cooperation in Europe (an independent agency of the U.S. federal government). This legislation would also require that the report include information on the cooperation of the Government of Belarus with any foreign government relating to the censorship or surveillance of the internet.

**Additional Information:** According to the findings of this legislation:

“The Government of Belarus has engaged in a pattern of clear and uncorrected violations of human rights and fundamental freedoms. The Government of Belarus has engaged in a pattern of clear and uncorrected violations of basic principles of democratic governance, including through a series of fundamentally flawed presidential and parliamentary elections undermining the legitimacy of executive and legislative authority in that country. The Government of Belarus has subjected thousands of pro-democratic political activists to harassment, beatings, and jailings, particularly as a result of their attempts to peacefully exercise their right to freedom of assembly and association. The Government of Belarus has attempted to maintain a monopoly over the country's information space, targeting independent media, including independent journalists, for systematic reprisals and elimination, while suppressing the right to freedom of speech and expression of those dissenting from the dictatorship of Aleksandr Lukashenka, and adopted laws restricting the media, including

the Internet, in a manner inconsistent with international human rights agreements. The Government of Belarus continues a systematic campaign of harassment, repression, and closure of nongovernmental organizations, including independent trade unions and entrepreneurs, and this crackdown has created a climate of fear that inhibits the development of civil society and social solidarity. The Government of Belarus has subjected leaders and members of select ethnic and religious minorities to harassment, including the imposition of heavy fines and denying permission to meet for religious services. The Government of Belarus has attempted to silence dissent by persecuting human rights and pro-democracy activists with threats, firings, expulsions, beatings and other forms of intimidation, and restrictions on freedom of movement and prohibition of international travel. The dictator of Belarus, Aleksandr Lukashenka, established himself in power by orchestrating an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolishing the duly elected parliament, the 13th Supreme Soviet, installing a largely powerless National Assembly, extending his term in office, and removing applicable term limits. The Government of Belarus has failed to make a convincing effort to solve the cases of disappeared opposition figures Yuri Zakharenka, Viktor Gonchar, and Anatoly Krasovsky and journalist Dmitry Zavadsky, even though credible allegations and evidence links top officials of the Government to these disappearance. The Government of Belarus has restricted freedom of expression on the Internet by requiring Internet Service Providers to maintain data on Internet users and the sites they view and to provide such data to officials upon request, and by creating a government body with the authority to require Internet Service Providers to block Web sites. On December 19, 2010, the Government of Belarus conducted a presidential election that failed to meet the standards of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections. After the December 19, 2010, presidential election the Government of Belarus responded to opposition protests by beating an unknown number of protestors and detaining more than 600 peaceful protestors. After the December 19, 2010, presidential election the Government of Belarus jailed seven of the nine opposition presidential candidates and abused the process of criminal prosecution to persecute them. After the December 19, 2010, presidential election, the Government of Belarus disrupted independent broadcast and Internet media, and engaged in repressive actions against independent journalists. After the December 19, 2010, presidential election, Belarusian security services and police conducted raids targeting civil society groups, individual pro-democracy activists, and independent media. After the December 19, 2010, presidential election, Belarusian officials refused to extend the mandate of the OSCE Office in Minsk.”

**Committee Action:** H.R. 515 was introduced on January 26, 2011, and referred to the House Foreign Affairs Subcommittee on Europe and Eurasia and the Subcommittee on Africa, Global Health and Human Rights. The legislation was approved as amended after Subcommittee and full committee markups. The legislation was also referred to the House Judiciary Subcommittee on Immigration Policy and Enforcement and the House Financial Services Subcommittee on International Monetary Policy and Trade, which took no public action.

**Administration Position:** No Statement of Administration Policy (SAP) is provided.

**Cost to Taxpayers:** CBO estimates that implementing this legislation would cost less than \$500,000 over the 2012 – 2016 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** Rep. Smith's constitutional authority statement states that Congress has the power to enact this legislation pursuant to the following: The constitutional authorities on which this bill rests are those given in Article I, Section 5, Clause 2; Article I, Section 8, Clause 1; Article I, Section 8, Clause 4; Article I, Section 8, Clause 18.

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